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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Seiji Harada

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BUCHANAN, INGERSOLL & ROONEY PC  
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ALEXANDRIA, VA 22313-1404

EXAMINER

MCLEAN, NEIL R

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,778	<b>Applicant(s)</b> HARADA, SEIJI	
	<b>Examiner</b> Neil R. McLean	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-19 are now pending in this application.

Claims 1, 8 and 14 have been amended.

No Claims have been canceled or added.

### ***Response to Arguments***

2. Regarding Applicant's Argument and new claim limitation: (Page 9, lines 2-8)

'wherein the input of the processing condition for the job is accepted through a setup screen which is provided by a computer program for transmitting the job to the job processing device, and the user's instruction to change the processing condition in step 4) is also accepted through the setup screen.'

Regarding Applicant's Argument: (Page 10, lines 6-9)

'Takayama does not teach or suggest that the designated apparatus executes a process that includes accepting the user's instruction to change the processing condition or compulsorily executing the job if it is judged that the job processing is not executable.'

Examiners Response:

Takayama discloses in Figure 15; Step S165 'Propose Plan to Enhance Job Object'. An example is shown in Figure 17, whereby either the printer 104, which is out of toner, or the printer 103, which is out of paper, is to be recovered to the printing enabled state, is presented in a window for approval by the user.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama et al. (US 6,477,570) hereinafter 'Takayama'.

Regarding Claim 1: (Currently Amended)

Takayama discloses a computer readable medium storing a computer program for causing a computer in a job transmitting device to execute a process comprising the steps of:

1) accepting an input of a processing condition for a job from a user (FIG. 4: STEP S110 'INPUT OF JOB');

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2) acquiring status information by the job transmitting device , wherein the status information concerning the status of a job processing device that processes said job (STEP S118; a check is performed to determine whether or not the job can be executed) and is communicatively connected to the computer;

3) judging by the job transmitting device whether said job can be processed by the job processing device according to said processing condition or not based on said inputted processing condition and said status information before transmitting said job to the job processing device (STEP S157 'IS IT OPTIMUM TO EXECTUE JOB ON ONE'S OWN?'; STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT?'); and

4) providing a user with a notification by the job transmitting device (FIG. 17 is a diagram showing an example display for a window proposed to a user) before transmitting said job to the job processing device if it is judged that said job cannot be processed in step 3); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') (Note: this bypasses STEP 160 'Execute Job', that is to say it is before the job is transmitted).

wherein the input of the processing condition for the job is accepted through a setup screen which is provided by a computer program for transmitting the job to the job processing device, and the user's instruction to change the processing condition in step 4) is also accepted through the setup screen (e.g., At step S165, the proposed method, whereby

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either the printer 104, which is out of toner, or the printer 103, which is out of paper, is to be recovered to the printing enabled state, is presented in a window shown in FIG. 17 for approval by the user. Note, in this case the user selects Yes or No).

#### Regarding Claim 2: (Original)

A program as claimed in claim 1, wherein said job processing device is a printing device (e.g., Color Printer BjC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

#### Regarding Claim 3: (Original)

A program as claimed in claim 1, wherein in step 4), the content of a judgment is displayed on a display unit (e.g., PC 101 in Figure 1).

#### Regarding Claim 4: (Original)

A program as claimed in claim 1, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3 (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15).

#### Regarding Claim 5: (Original)

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A program as claimed in claim 1, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 6: (Original)

A program as claimed in claim 1, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claim 7: (Original)

A computer readable recording medium on which the program as claimed in claim 1 is recorded (The program code or device which performs the function described in Embodiment Nine).

Regarding Claim 8: (Currently Amended)

A job monitoring method comprising the steps of:

1) setting processing condition of a job (FIG. 15 is a flowchart showing the processing for a ninth embodiment. At step S150 a check is performed to determine whether or not a job has been input.);

2) acquiring status information, which is information concerning the status of a job processing device that processes said job (At step S155 the status of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.);

3) judging whether said job can be processed by the job processing device according to said processing condition or not based on said processing condition and said status information before transmitting said job to the job processing device (e.g., When, as the result of a comparison of the statuses of the locally owned apparatus and other apparatuses, it is found that the locally owned apparatus is optimal for the performance of the job, program control moves from step S157 to step S158, whereat it is determined that the owned apparatus will perform the job, and at step S159 the job is performed by the locally owned apparatus as described in Column 13, line 62 – Column 14, line 1); and

4) notifying content of a judgment if it is judged that said job cannot be processed in step 3) (If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step S165 the plan is proposed to a user as described in Column 14, lines 11-15); wherein

in step 4), if it is judged that said job cannot be processed in step 3) (IF STEP S160 'ANY APPARATUS ADAPTED TO JOB OBJECT' is 'NO'), accepting at least one of a user's instruction (STEP S165 'PROPOSE PLAN TO ENHANCE JOB OBJECT') to change the processing condition and a user's instruction to compulsorily execute the job according to the processing condition before transmitting said job to the job processing device (FIG. 17 is a diagram showing an example display for a window by which an optimal method is proposed to a user).

wherein the input of the processing condition for the job is accepted through a setup screen which is provided by a computer program for transmitting the job to the job processing device, and the user's instruction to change the processing condition in step



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4) is also accepted through the setup screen (e.g., At step S165, the proposed method, whereby either the printer 104, which is out of toner, or the printer 103, which is out of paper, is to be recovered to the printing enabled state, is presented in a window shown in FIG. 17 for approval by the user. Note, in this case the user selects Yes or No).

Regarding Claim 9: (Original)

A job monitoring method as claimed in claim 8, wherein said job processing device is a printing device (e.g., Color Printer BJC600 and Black and White Printer LBP9000 in Figure 40), and said status condition includes at least one of the presence or absence of paper loaded in the printing device (e.g., Figure 40, Status Table showing remaining paper quantity), the size of the paper, and the kind of the paper.

Regarding Claim 10: (Original)

A job monitoring method as claimed in claim 8, wherein in step 4), the content of a judgment (Column 14, lines 26-29) in step 3) is displayed on a display unit (e.g., PC 101 in Figure 1).

Regarding Claim 11: (Original)

A job monitoring method as claimed in claim 8, wherein change of the designated processing condition can be accepted if it is judged that said job cannot be processed in step 3) (e.g., If there is no apparatus having capabilities consonant with the object of the job, program control moves from step S160 to step S164, whereat a plan is prepared for the use of an optimal method that does not depart from the object of the job, and at step

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S165 the plan is proposed to a user as described in Column 14, lines 11-15).

Regarding Claim 12: (Original)

A job monitoring method as claimed in claim 8, wherein said status information is acquired from the job processing device for each job in step 2) (At step S155 the **status** of the apparatus is examined. At step S156 the status of another apparatus consonant with the object of the job is examined.)

Regarding Claim 13: (Original)

A job monitoring method as claimed in claim 8, wherein status information received from the job processing device and stored in a storage unit in advance is acquired in step 2) (e.g. Print Job Memory Unit 513 in Figure 51).

Regarding Claims 14-19:

The rejection of Program and Method claims 1-13, renders obvious the steps of the device of claims 14-19 because these steps occur in the operation of the Program and Method as discussed above. Thus, the arguments similar to that presented above for claims 1-13 are equally applicable to claims 14-19.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maki et al. (US 7,293,067) discloses network system in which the

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position, attribute, and status of a desired device on a network can visually comprehensibly be grasped. A server manages location information indicating information on the device position in a hierarchical manner and attribute information from the device. Each device holds a plurality of status information in accordance with various statuses of the device

### ***Examiner Notes***

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/

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Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625